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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/435,748	11/08/1999	JAMES P. BUCKLEY	2950.27US01	5623

62274 7590 04/22/2009
DARDI & ASSOCIATES, PLLC
220 S. 6TH ST.
SUITE 2000, U.S. BANK PLAZA
MINNEAPOLIS, MN 55402

EXAMINER

ART UNIT	PAPER NUMBER
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DATE MAILED: 04/22/2009

Please find below and/or attached an Office communication concerning this application or proceeding.

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09435748	11/8/99	BUCKLEY ET AL.	2950.27US01

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SUITE 2000, U.S. BANK PLAZA
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EXAMINER

Mark Ruthkosky

ART UNIT	PAPER
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1795	20090321
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Commissioner for Patents

Appellants "Request to Reinstate Appeal" filed on December 01, 2005 is defective.

According to the Manual of Patent Examining Procedure (MPEP) § 1204.01 (Rev. 3, Aug. 2005); "If an appellant wishes to reinstate an appeal after prosecution is reopened, appellant must file a new notice of appeal in compliance with 37 C.F.R. § 41.31 and a complete new appeal brief in compliance with 37 C.F.R. § 41.37".

Appellants' reinstatement of appeal did not follow this MPEP guideline and therefore is defective. Because the Notice of Appeal was not filed prior to the Request to Reinstate Appeal, the Appeal Brief is untimely. Appellants can cure this defect by filing a new notice of appeal in compliance with 37. C.F.R. § 41.31 and a complete new appeal brief in compliance with 37 C.F.R. § 41.37.

/Mark Ruthkosky/
Primary Examiner, Art Unit 1795